

Remarks

I. Introduction

This is in response to the Office Action dated May 25, 2010.

Claims 2-5, 11, 13, 14, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2007/0168426 to Ludwig et al. (“Ludwig”) in view of U.S. Patent Application Publication No. 2006/0215029 to Katz (“Katz”) in further view of U.S. Patent No. 5,517,652 to Miyamoto et al. (“Miyamoto”). Claims 6-10, 15, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ludwig in view of Katz in view of Miyamoto in further view of U.S. Patent no. 5, 689,553 to Ahuja (“Ahuja”).

In response, independent claims 13, 15 and 21 have been amended. No new matter has been added.

Claims 2-11, 13-15, and 19-21 remain for consideration.

II. Rejections under 35 U.S.C. §103

Independent claims 13 and 21 were rejected under 35 U.S.C. §103(a) as being anticipated by Ludwig in view of Katz in further view of Miyamoto.

In order to “establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art.” In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. The cited references, separately or in combination, do not teach all of the claim limitations of Previously Presented independent claims 13 and 21. Therefore, withdrawal of the rejections under 35 U.S.C. §103(a) is requested.

The present application is directed to sharing information between a television and computer systems. A voice communication (e.g., a telephone call)

is established between a sender of audiovisual content and the intended receiver (page 6, lines 118 – 124). The sender then broadcasts the audiovisual content from a computer over a uniquely designated cable television (CATV) channel that is associated with a URL or network address assigned to the recipient (Specification, page 9, lines 188 – 195, Figure 3). That is, data that is downloaded to the recipient's network address is formatted for CATV transmission and transmitted to the recipient via the CATV channel associated with the recipient. (Figure 3). The audio visual content can be stored on customer premise equipment for later recall, for printing or faxing, or for forwarding to another (page 12, lines 257 – 260). Control information associated with the audiovisual content can be used to restrict the storage of the information at the receiver's premises (page 12, lines 261 – 268).

In view of the Examiner's rejections, claim 13 has been amended to recite

. . . the recipient data communication network address
being uniquely associated with a CATV subscriber
channel of the recipient;

means for downloading the A/V file and
storage restriction control information related to the
A/V file from the sender to a server associated with
the recipient data communication network address via
the data network during the voice connection;

means for transmitting the A/V file from the
server associated with the recipient data
communication network address to the CATV
subscriber channel of the recipient.

The feature of associating a network address of a recipient with a specific CATV channel of the recipient, and transmitting to the recipient, via the CATV channel associated with the recipient, an A/V file that is downloaded to the recipient's associated network address, is not disclosed or suggested by the references cited by the Examiner.

Ludwig is directed to storing and accessing media files. More particularly, Ludwig discloses collaborative workstation software that provides sharing screen snapshots, group annotation, and other features. Although Ludwig describes audio and visual information including television broadcasts (See Ludwig, ¶¶ [0056] and [0060]), as content that can be received by the collaborative workstation software, Ludwig does not disclose “the recipient data communication network address being uniquely associated with a CATV subscriber channel of the recipient,” nor does Ludwig disclose “means for transmitting the A/V file from the server associated with the recipient data communication network address to the CATV subscriber channel of the recipient,” as recited by amended claim 13.

Katz pertains to a commercial product routing system with video vending capability. Although Katz describes the selective transmission on video to specific recipients (Katz paragraphs [0016] – [0017]), Katz does not disclose “the recipient data communication network address being uniquely associated with a CATV subscriber channel of the recipient.” Additionally, Katz fails to disclose “means for transmitting the A/V file from the server associated with the recipient data communication network address to the CATV subscriber channel of the recipient,” as recited by amended claim 13.

Miyamoto is directed to a “multi-media server” for transmitting and exchanging multi-media information. However, Miyamoto fails to cure the deficiencies of Ludwig and Katz identified above with respect to claim 13.

For reasons discussed above, Ludwig, Katz, and Miyamoto, separately or in combination, do not disclose each and every limitation of amended claim 13. Further, none of the other references cited in the office action disclose these limitations. Accordingly, for at least the foregoing reasons, claim 13 is allowable.

Claim 21 has been amended to recite features similar to those discussed above with respect to claim 13. Therefore, claim 21 is allowable for at least the reasons discussed above with respect to claim 13.

All remaining claims depend from an allowable base claim, and are therefore also allowable.

III. No New Matter

The amendments to claims 13 and 21 do not add new matter. Support for these amendments can be found at least at page 7, line 154 – page 8, line 202 of the Specification and Figure 3 as originally filed.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

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/Kevin J. Beach/
Kevin J. Beach
Reg. No. 60,422
Tel.: 973-530-2158